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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/819,788
Filing Date: March 28, 2001
Appellant(s): REESE ET AL.

Jong H. Lee
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 26 December 2006 appealing from the
Office action mailed 29 April 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,963,995	LANG	10-1990
5,930,473	TENG	07-1999

5,666,393	OSAKABE	09-1997
6,330,025	ARAZI	12-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6,10-11 and 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Lang (4,963,995).

Regarding claim 1, Lang disclose a digital video recorder-controller apparatus (Fig. 1-2) comprising:

a network port (22) for communicatively connecting the DVRC with at least one other apparatus on a network (column 8, lines 29- 55,column 10, line 13-20, column 14, lines 54-68);

wherein the DVRC is adapted to transmit through the network port a first selection of digitized video signals, wherein the first selection can include one or more digitized video signals being transmitted to a first other apparatus on the network; and wherein the DVRC is further adapted to receive through the network port ((36,37,35,22) a second selection of digitized video signals, wherein the second

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selection includes one or more digitized video signals being transmitted by a second other apparatus on the network (column 8, lines 29- 55, column 10, line 13-20);

wherein the DVRC is adapted to facilitate designation of the digitized video signals of the second selection (column 7, lines 30-45, column 8, lines 30-60, column 9, line 55 to column 10, lines 14-21).

Regarding claim 2, Lang further teaches an integrated control panel having dedicated function buttons adapted to facilitate selecting one or more video signals of the first selection and of the second selection (Figs. 1,2) .

Regarding claim 3, Lang further teaches the DVRC of claim 1 further comprising an external control port, adapted to facilitating selecting one or more video signals of the first selection and of the second selection.

Regarding claim 4, Lang further teaches a plurality of video-out ports adapted to display one or more video signals derived from the first selection or from the second selection (column 6, lines 35-68); and wherein the DVRC is adapted to record one or more video signals of the second selection of digitized video signals (column 10, lines 1-20).

Regarding claim 5, Lang further teaches the first other apparatus is a second DVRC on the network (column 10, lines 1-20).

Regarding claim 6 Lang further, wherein the second other apparatus is a digital video recorder (DVR).

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Regarding claim 10, Lang further teaches a plurality of Analog video-in ports (15,16) for receiving one or more video signals to be digitized to become one or more digitized video signals.

Regarding claim 11, Lang further teaches the DVRC of claim 1, further comprising at least one digital video-in port, for receiving one or more digitized video signals (Fig. 1-2, column 2, lines 30-60).

Regarding claim 17, Lang discloses a method for expanding a digital video system comprising:

- a) providing a first digital video recorder-controller apparatus (DVRC) (Figs. 1-2) having:
 - a DVRC network port 22 (column 8, lines 29-55) ;
 - at least one control panel (Fig. 1) ;

wherein the first DVRC is adapted to receive through the DVRC network port a selection of digitized video signals (column 7, lines 65 to column 8, lines 4, column 10, lines 1-20, column 14, lines 54-68); and

a plurality of DVRC video-out ports adapted to facilitate the display of one or more video signals on one or more video monitors (column 8, lines 3-27).

Regarding claim 18, Lang further teaches the method of claim 17, wherein providing a DVRC includes modifying internal software of a DVR since the digital recorder of Lang is controlled by software executed by a CPU (Fig. 2) .

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Teng et al (5,930,473).

Regarding claim 7, Lang fails to teach using Ethernet port. Teng teaches using an Ethernet port as an alternative to a network port for transmitting the video information (column 8, lines 20-40). It would have been obvious to one of ordinary skill in the art to modify Lang with Teng by using an Ethernet port as taught by Teng with

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the apparatus of Lang as an alternative to the network port of Lang for transmitting the video information .

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Osakabe et al (5,666,363).

Regarding claims 8 and 9, Lang fails to teaches the DVRC is further adapted to transmit a first control signal to the second other apparatus, wherein the first control signal designates the one or more video signals of the second selection of digitized video signals to be transmitted by the second other apparatus.

Osakabe teaches a network having a master apparatus and a slave apparatus , the master apparatus sends control signal to a slave apparatus for controlling the slave apparatus to selectively forward the video information to the master apparatus (column 7, line 15 to column 8, line 15).

It would have been obvious to one of ordinary skill in the art to modify Lang with Osakabe by using a control signal generating means of Osakabe with the apparatus of Lang for generating control signals from the DVRC to the second other apparatus thereby enhancing the functionality of the Lang apparatus .

6. Claims 12 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Arazi et al (6,330,025).

Regarding claim 12, Lang discloses digital video system (Figs. 1-2) comprising:
a network (column 8, lines 29-55);

a video camera operatively connected to a digital video recorder controller apparatus (DVRC) on the network (Fig. 2) , the DVRC having:
a first network port for communicatively connecting the DVRC with at least one other apparatus on the network (column 7, line 65 to column 8, line 2, column 8, lines 29-55, column 9, lines 55 to column 10, line 20);

a first plurality of video-out ports adapted to facilitate the display of one or more video signals on one or more DVRC monitors (column 8, lines 2-30);
wherein the DVRC is adapted to receive through the first network port a first selection of digitized video signals including one or more digitized video signals transmitted by a first other apparatus on the network (column 8, lines 29-55); and

a second plurality of video sources operatively connected to a digital video recorder (DVR) on the network (Fig. 2) , the DVR having:

a second plurality of video-out ports adapted to facilitate the display of one or more video signals on one or more DVR monitors (column 8, lines 3-29);

a second network port for communicatively connecting the DVR with the DVRC on the network;

wherein the DVR is adapted to transmit through the second network port a second selection of digitized video signals, wherein the second selection of digitized video signals includes one or more digitized video signals of the first selection of digitized video signals (column 8, lines 29-55).

Lang fails to teach using a plurality of cameras with each DVRC . Arazi teaches an apparatus associated with a plurality of cameras (Fig. 1 column 5, lines

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15-68) . It would have been obvious to one of ordinary skill in the art to modify Lang with Arazi by using a plurality of cameras as additional video sources of Lang for receiving the video information from plurality of cameras thereby enhancing the capacity of the recorder of Lang for receiving additional video source for recording .

Regarding claim 13, Lang as modified with Arazi further teaches the digital video recording system of claim 12, wherein at least one video camera of the first plurality of video cameras is an analog video camera, and at least one video camera of the second plurality of video cameras is an Analog video camera (See Lang (Fig. 2, column 2, lines 20-65)).

Regarding claim 14, Lang as modified with Arazi teaches the digital video system of claim 13, wherein the DVR is the first other apparatus on the 2 network (See Lang reference) .

Regarding claim 15, Lang further teaches the digital video system of claim 14, wherein the DVRC is adapted to output through the DVRCs first plurality of video-out ports one or more of the digitized video signals of the second selection of digitized video signals (column 2, lines 25-52, column 8, lines 29-55).

Regarding claim 16, Lang teaches the digital video system of claim 14, wherein the DVRC is adapted to record and store one or more of the digitized video signals of the second selection of digitized video signals (column 2 lines 25-52, column 9, line 55 to column10,line 20)

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Arazi et al (6,330,025).

Regarding claim 19, Lang further teaches providing a network and connecting the first DVRC to the network; and

connecting a digital video recorder (DVR) to the network, the DVR having;
a plurality of DVR video-in ports, for receiving video signals from video sources ;
a DVR network port; (Fig. 2 column 7, line 65 to column 8, line 2, column 8, lines 29-55, column 9, lines 50 to column 10, line 20)

wherein the DVR is adapted to transmit through the DVR network port a DVR selection of digitized video signals, wherein the DVR selection of digitized video signals can include one or more digitized video signals of the first selection of digitized video signals.

Lang fails to teach using a plurality of cameras with each DVRC . Arazi teaches a apparatus associated with a plurality of cameras (Fig. 1 column 5, lines 15-68) . It would have been obvious to one of ordinary skill in the art to modify Lang with Arazi by using a plurality of cameras as alternative to video sources of Lang for receiving the video information from plurality of cameras thereby enhancing the recorder of Lang for receiving additional video sources ..

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Arazi et al (6,330,025) as applied to claim 19 above further in view of Osakabe et al (5,666,363).

Regarding claim 20, Lang further teaches connecting additional DVRs to the network, whereby the digital video system is expanded to include at least one DVRC and

a plurality of DVRs, each DVR having:

a plurality of DVR video-in ports, for receiving video signals from video cameras;

a DVR network port;

wherein each DVR is adapted to transmit through its DVR network port a DVR selection of digitized video signals, wherein each DVR selection of digitized video signals can include one or more digitized video signals of the first selection of digitized video signals; and wherein the first DVRC transmits through the network a control signal to one or more of the plurality of DVRs (figs. 1-2, column 8, lines 29-55, column 9, line 55 to column 10, line 20).

Lang fails to teach transmitting a control signal to other DVCRs

Osakabe teaches a network having a master apparatus and a slave apparatus, the master apparatus sends control signal to a slave apparatus for controlling the slave apparatus to selectively forward the video information to the master apparatus (column 7, line 15 to column 8, line 15).

It would have been obvious to one of ordinary skill in the art to modify Lang with Osakabe by using a control signal generating means of Osakabe with the apparatus of Lang for generating control signals from the DVRC to the second other apparatus thereby enhancing the function of the Lang apparatus.

(10) Response to Argument

A. Rejection of Claims 1-6, 10-11 and 17-18 under 35 U.S.C. § 102(b).

Claims 1-6, 10-11 and 17-18 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,963,995 ("Lang").

Applicant argues that Lang does not teach the claimed network port. In response, the examiner disagrees. It is noted that Lang teaches the claimed network port that transmits and receives digitized video signals. Lang at column 8, lines 28 – 50, column 9, lines 60-69 and column 10, lines 14-20, teaches network port 22 of a DCVR can transmit and receive the digitized video signals to and from any second other DCVRs (second other apparatus). Lang teaches the network port 22 of the first DVCR receives the digital audio/ video signal from a second other DVCR and transmits one or more video signal programs to a second other DVCR via a phone line.

Applicants argue that the cited ports 22 and 28 implement a point to point connection to a second video recorder (as clearly indicated by the explicit statement that "a video program may be communicated... from the first VCR-ET to a second VCR-ET," (col. 7, 1. 61-63)). There is simply no indication that audio/video transmitter/receiver port 18 is a network port for a connection to a network. In response it is clear that Lang teaches a network port for a connection to a network, since each port 18 and 22 for a connection to an optical line (port 18) and a telephone line (port

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22) . The port 22 and 18 are network ports since they can transmit digitized video signals from a DVCR to a first other DVCR and receive digitized video signals from second other DVCR . The telephone lines that connected to network port 22 and the optical line that connected to the network 18 are network since the lines make a connection between a DVCR to any first and second other DVCRs (first other apparatus and second other apparatus) and transfer digitized video signals among the DVCR . Further , Lang teaches using a key pad on one DVCR make a connection to any second other DVCR (destination) . It clearly that Lang teaches a network in meaning (connection between devices) and in operations (transferring the digitized video signals between devices).

Applicants argue that Lang teaches a transfer network but not the claimed network . However it is noted that applicants do not provide any recitation in claims to prove that the network of Lang is different form network in claims in meaning of structural components or in operations .

Applicants argue that Lang does not teach the second selection that includes one or more programs from the second other apparatus . In response, the examiner disagrees. It is noted that Lang teaches each of DVCR has key pad and circuit elements to enable each of DVCRs to make a connection to another DVCR , receive (IN) and transmit (OUT) one or more digitized video signals between the DVCRs . Lang at column 8, lines 31- 55, column 9, lines 55-68 and column 10 lines 14- 21, teaches a DVCR connected with second other DVCR via a phone line and

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the network port 22 of the DVCR can transmit one or more programs to a second other DVCR and receive one or more programs from a second other DVCR. Since the DVCR of Lang capable of selecting one or more programs to be transmitted to a first other DVCR and one or more digitized video signals to be received from second other DVCR, Lang teaches the claimed first selection and second selection and Lang teaches the DVCR adapted for receiving a second selection including one or more programs from second other apparatus.

Applicants argue that Lang does not teach "the DVCR facilitate designation of the digitized video signals of the second selection". In response, the examiner disagrees. It is noted Lang teaches the DVCR using network port 22 for receiving the one or more programs from second other DVCRs. Lang teaches the DVCR having a key pad and circuit elements for selecting connecting to second other DVCRs (second other apparatus) and receiving one or more digitized video signals from the from the second other DVCRs. Lang clearly teaches that the DVCR facilitates a designation of the digitized video signals of the second selection.

Since Lang teaches all the features recited in claims 1,2-6,10-11 and 17-18, claims 1 2-6, 10-11, 17 and 18 are anticipated by Lang.

B. Rejection of Claim 7 under 35 U.S.C. § 103(a)

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Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lang in view of U.S. Patent No. 5,930,473 ("Teng").

Claim 7 depends on claim 1. Applicants argue that Lang does not teach "facilitate designation of the digitized video signals of the second selection," as recited in amended claim 1". In response the examiner disagrees. See examiner response to the applicants' argument in connection with claims 1 above. Since Lang teaches "facilitate designation of the digitized video signals of the second selection," as recited in amended claim 1, dependent claim 7 is rendered obvious by the combination of Lang and Teng.

C. Rejection of Claims 8 and 9 under 35 U.S.C. § 103(a)

Claims 8 and 9 depend on claim 1. Applicants argue that Lang does not teach "facilitate designation of the digitized video signals of the second selection," as recited in amended claim 1". In response the examiner disagrees. See examiner response to the applicants' argument in connection with claims 1 above. Since Lang teaches "facilitate designation of the digitized video signals of the second selection," as recited in amended claim 1, dependent claim 7 is rendered obvious by the combination of Lang and Osakabe.

D. Rejection of Claims 12-16 under 35 U.S.C. § 103(a)

Claims 12-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lang in view of U.S. Patent No. 6,330,025 ("Arazi").

Claim 12, Applicants argue that "claim 12 recites substantially similar features as those recited in amended claim 1. As discussed in connection with claim 1, Lang fails to teach or suggest that the DVRC stipulates the video signals of the second selection, i.e., "facilitate designation of the digitized video signals of the second selection" and network port. In response the examiner disagrees. It is noted that Lang teaches "facilitate a second selection including one or more programs and a network port". See examiner response to applicants' argument in connection with claim 1 above.

Applicant argues that "Lang relates to a classical video recorder which is only intended for the simultaneous processing of a single data source, and Lang does not teach or suggest anything regarding the processing of several data sources (e.g., video cameras) simultaneously. Therefore, one skilled in the art would have no reason to provide a plurality of video cameras in Lang. In addition, one skilled in the art In response, it is noted that applicant argument does not reflect claim 12. Nowhere claim 12 recites that several data sources can be simultaneously processed. Further Lang teach that the DVCR can connect to plurality of sources therefore it would have been obvious to one of ordinary skill the art to modify Lang by provide plurality cameras with the DVCR of Lang as alternative to the sources of Lang when needed.

For the forgoing reason, claims 12-16 are rendered obvious by the combination of Lang and Arazi.

E. Rejection of Claim 19 under 35 U.S.C. § 103(a)

Claim 19. Applicants argue that "claim 19 depends on claim 17. Applicants note that claim 17 recites features substantially similar to the above-discussed features of claim 1, i.e., "a DVRC network port" and "the first DVRC is adapted to receive through the DVRC network port a selection of a digitized video signals," and Lang teach all of the features of claim 17 for the reasons stated in connection with claim 1,. See examiner response to the applicants' argument in connection with claim 1 above . Since Lang teaches all features of claim 17, dependent claim 19 is rendered obvious by the combination of Lang and Arazi.

F. Rejection of Claim 20 under 35 U.S.C. § 103(a)

Applicants argue that "Claim 20 depends on claim 19, which in turn depends on claim 17. As noted above, the combination of Lang and Arazi fails to teach or suggest all of the features of claims 17 and 19. In response the examiner disagrees . It is noted that Lang as in combination with Azaki teaches all the features recited in claims 17 and 19. See examiner response to applicants 's argument in connection to claims 1,17 and 19 above .. Since Lang as combination with Azaki and Osaka teaches all features in claims 1, 17 and 19, claims 20 is rendered obvious by the combination of Lang,

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Arazi. and Osakabe .

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Conclusion

For the above reasons, it is believed that the rejections should be sustained.

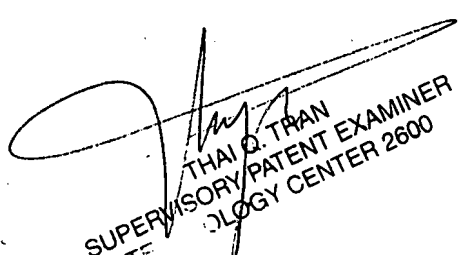
Respectfully submitted,

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